



April 30, 2025

[REDACTED]

RE: [REDACTED] v. WVDoHS
ACTION NO.: 25-BOR-1682

Dear Ms. [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Human Services. These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Paul Patrick, WVDoHS
Richard Griffey, WVDoHS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 25-BOR-1682

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 29, 2025.

The matter before the Hearing Officer arises from the Respondent's decision to impose a work program penalty on the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits as outlined in a notice dated February 10, 2025.

At the hearing, the Respondent appeared by Richard Griffey, Economic Services Supervisor, WVDoHS. The Appellant appeared *pro se*. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 WorkForce West Virginia Registration information from Respondent's computer system as of February 1, 2025
- D-2 SNAP Work Rules notice dated January 8, 2025
- D-3 Case Comments from Respondent's computer system
- D-4 Notice of Decision dated February 10, 2025
- D-5 SNAP penalty notice dated February 10, 2025
- D-6 WorkForce West Virginia Registration information from Respondent's computer system (begin month- March 2025)
- D-7 West Virginia Income Maintenance Manual Chapter 14.3.1.A

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Respondent sent the Appellant a SNAP Work Rules notice on January 8, 2025, indicating that she must register with WorkForce West Virginia by February 6, 2025, or her SNAP benefits could decrease or end (Exhibit D-2).
- 3) The Appellant failed to register with WorkForce West Virginia by February 6, 2025.
- 4) On February 7, 2025, the Respondent determined that the Appellant had not registered with WorkForce West Virginia and applied a first work program penalty to her SNAP benefits (Exhibit D-3).
- 5) The three-month work penalty covers the months of March, April, and May 2025.
- 6) The Respondent sent the Appellant a Notice of Decision on February 10, 2025, indicating that she would no longer be included in SNAP benefits as of March 2025, but that [REDACTED] remained eligible for \$292 in SNAP benefits effective March 2025 (Exhibit D-4).
- 7) The Respondent sent the Appellant a second notice on February 10, 2025, indicating that a first work program penalty would be placed on her case, and she would remain ineligible for SNAP benefits for three months (Exhibit D-5).
- 8) The Appellant registered with WorkForce West Virginia on March 3, 2025 (Exhibits D-3 and D-6).

APPLICABLE POLICY

Code of Federal Regulations 7 CFR §273.7 describes work requirements for SNAP recipients:

(a) Work requirements

(1) As a condition of eligibility for SNAP benefits, each household member who is not exempt under paragraph (b)(1) of this section must comply with the following SNAP work requirements:

(i) Register for work or be registered by the State agency at the time of application and every 12 months after initial registration. The member required to register need not complete the registration form.

(ii) Participate in a Food Stamp Employment and Training (E&T) program if assigned by the State agency, to the extent required by the State agency;

(iii) Participate in a workfare program if assigned by the State agency;

(iv) Provide the State agency or its designee with sufficient information regarding employment status or availability for work;

(v) Report to an employer to whom referred by the State agency or its designee if the potential employment meets the suitability requirements described in paragraph (h) of this section;

(vi) Accept a bona fide offer of suitable employment, as defined in paragraph (h) of this section, at a site or plant not subject to a strike or lockout, at a wage equal to the higher of the Federal or State minimum wage or 80 percent of the wage that would have governed had the minimum hourly rate under section 6(a)(1) of the Fair Labor Standards Act been applicable to the offer of employment.

(vii) Do not voluntarily and without good cause quit a job of 30 or more hours a week or reduce work effort to less than 30 hours a week, in accordance with paragraph (j) of this section...

(3) Each State agency will determine the meaning of any other terms used in paragraph (a)(1) of this section; the procedures for establishing compliance with SNAP work requirements; and whether an individual is complying with SNAP work requirements. A State agency must not use a meaning, procedure, or determination that is less restrictive on SNAP recipients than is a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.

(c)State Agency Responsibilities

(1)(i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency or when the registration is otherwise annotated or recorded by the State agency.

(ii) During the certification process, the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household and identify which household member is subject to which work requirement. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at §273.24. The written notice

and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or a new household member becomes subject to these work requirements, and at recertification.

(iii) The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance.

(f)(2) Disqualification periods. The following disqualification periods will be imposed:

(i) For the first occurrence of noncompliance, the individual will be disqualified until the later of:

(A) The date the individual complies, as determined by the State agency; (B) One month; or (C) Up to three months, at State agency option.

(ii) For the second occurrence, until the later of: (A) The date the individual complies, as determined by the State agency; (B) Three months; or (C) Up to six months, at State agency option. **(iii)** For the third or subsequent occurrence, until the later of: (A) The date the individual complies, as determined by the State agency; (B) Six months; (C) A date determined by the State agency; or (D) At the option of the State agency, permanently.

West Virginia Income Maintenance Manual Chapter 14.2.1.A states that all SNAP applicants/recipients are subject to a work requirement, unless exempt.

West Virginia Income Maintenance Manual Chapter 14.3.1.A states that all individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original SNAP approval unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. A client may register by visiting a WorkForce West Virginia office or may register online.

The Consolidated Work Notice (CWN) is sent to the SNAP assistance group (AG) when an individual(s) is required to register with job service through Workforce WV. The CWN details who must register and the due date of registration. The CWN also explains why the individual(s) is required to register and how to register.

Actions which constitute a registration are defined by WorkForce West Virginia and the eligibility system must:

- Match with WorkForce West Virginia. Registration date updated.
- Match the date returned from WorkForce West Virginia is more than 12 months old. The client must register again.
- Match with WorkForce West Virginia with inactive job status and no job preference. The client must choose a job preference and become active to be considered registered.
- Match with WorkForce West Virginia with inactive job status and with job preference. The client must become active to be considered registered.
- Match with WorkForce West Virginia with active job status and no job preference. The client must choose a job preference to be considered registered.

Once the client registers with WorkForce West Virginia for Supplemental Nutrition Assistance Program (SNAP) purposes, he cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period. This is tracked through the eligibility system.

The client may register by visiting a WorkForce West Virginia office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in the eligibility system.

A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice. See Section 14.5. The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- The client registers; and
- The client notifies the Department of Human Services (DOHS) that he has registered. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted, and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the system.

Chapter 14.5.1.B of the Manual states that a client who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability is subject to the following penalties for the full penalty period or until he or she reports a change which makes him/her exempt from work requirements.

Chapter 14.5.1.B states that for a first work program violation, the individual is removed from the SNAP Assistance Group for at least three months or until he or she meets an exemption. If after

three months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than UCI-related activities.

DISCUSSION

Policy states that all SNAP applicants/recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for the full penalty period or until he or she reports a change that makes him/her exempt from work requirements. For the first work program violation, the individual is removed from the SNAP Assistance Group for at least three months or until he or she meets an exemption. A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty. The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the client registers and notifies the Department of Human Services that he has registered.

The Respondent acknowledged that the Appellant registered with WorkForce West Virginia on March 3, 2025; however, the work program penalty could not be lifted at that time since the sanction went into effect on March 1, 2025.

The Appellant testified that she was in [REDACTED] with her ailing mother from January 3, 2025, until the first week of March 2025. She returned briefly to West Virginia during that time but had to travel back to [REDACTED] to assist her mother. The Appellant contended that she would have registered with WorkForce West Virginia had she not been out of state attending to her mother, and that she has never previously received a penalty on her SNAP benefits.

While the Appellant's circumstances are noted, she did not register with WorkForce West Virginia prior to imposition of the SNAP penalty. Therefore, the Respondent's action to apply the sanction to the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for the full penalty period or until he or she reports a change that makes him/her exempt from work requirements.
- 2) The Appellant was required to register with WorkForce West Virginia by February 6, 2025.
- 3) The Appellant did not register by February 6, 2025, and the Respondent imposed a penalty on her SNAP benefits effective March 2025.
- 4) The Appellant registered with WorkForce West Virginia on March 3, 2025; however, the SNAP penalty could not be lifted since it had already started on March 1, 2025.
- 5) The Respondent's decision to impose a three-month work program penalty on the Appellant's SNAP benefits is correct.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to impose a three-month work program penalty on the Appellant's SNAP benefits from March 2025 through May 2025.

ENTERED this 30th day of April 2025.

**Pamela L. Hinzman
State Hearing Officer**